

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KIMBERLY DUNN,

Plaintiff,

v.

BATES TECHNICAL COLLEGE, LIN
ZHOU,

Defendants.

CASE NO. 3:21-cv-05582-RAJ-BAT

**ORDER GRANTING MOTION FOR
SUMMARY JUDGMENT**

This matter comes before the court on the Report and Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge (Dkt. # 28), Plaintiff Kimberly Dunn’s (“Plaintiff”) objections and response to objections (Dkt. ## 31, 34), and Defendants Bates Technical College and Lin Zhou’s (“Defendants”) Request for Clarification and Amendment (Dkt. #30)¹ and response to objections (Dkt. # 33). Having reviewed the foregoing, along with the remaining record, the Court finds as follows:

(1) The Court **ADOPTS** the Report and Recommendation.

¹ Defendants request amendment of the Report and Recommendation to make clear that Magistrate Judge Tsuchida’s analysis concerning Plaintiff’s failure to file a tort claim with the State of Washington applies to Plaintiff’s state—not federal—law claims regarding incidents alleged to have occurred after August 2018.

1 (2) This Court **MODIFIES** the Report and Recommendation to the extent that
2 Magistrate Judge Tsuchida's analysis concerning Plaintiff's failure to file a tort claim, located at
3 pages 9-10, applies to Plaintiff's state law claims regarding incidents alleged to have occurred
4 after August of 2018.

5 (3) The Motion for Summary Judgment of Defendants Bates Technical College and
6 Lin Zhou (Dkt. # 15) is **GRANTED**. Plaintiff Kimberly Dunn's claims are **DISMISSED WITH**
7 **PREJUDICE**.

8 (4) The Clerk is directed to send copies of this Order to the parties and to Judge
9 Tsuchida.

10 Dated this 10th day of October, 2023.

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13 The Honorable Richard A. Jones
14 United States District Judge
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